
STATUTORY INSTRUMENTS

2009 No. 209

The Payment Services Regulations 2009

PART 2

REGISTRATION

Registration as a small payment institution

Application for registration as a small payment institution or variation of an existing registration

12.—(1) An application for registration as a small payment institution must contain, or be accompanied by, such information as the Authority may reasonably require.

(2) An application for the variation of a registration as a small payment institution must—

- (a) contain a statement of the proposed variation;
- (b) contain a statement of the payment services which the applicant proposes to carry on if the registration is varied; and
- (c) contain, or be accompanied by, such other information as the Authority may reasonably require.

(3) An application under paragraph (1) or (2) must be made in such manner as the Authority may direct.

(4) At any time after receiving an application and before determining it, the Authority may require the applicant to provide it with such further information as it reasonably considers necessary to enable it to determine the application.

(5) Different directions may be given, and different requirements imposed, in relation to different applications or categories of application.

Conditions for registration as a small payment institution

13.—(1) The Authority may refuse to register an applicant as a small payment institution only if any of the conditions set out in paragraphs (2) to (6) is not met.

(2) The application must comply with the requirements of, and any requirements imposed under, regulation 12.

(3) The monthly average over the period of 12 months preceding the application of the total amount of payment transactions executed by the applicant, including any of its agents in the United Kingdom, must not exceed 3 million euros.

(4) None of the individuals responsible for the management or operation of the business has been convicted of—

- (a) an offence under Part 7 of the Proceeds of Crime Act 2002⁽¹⁾ (money laundering) or under the Money Laundering Regulations 2007;
 - (b) an offence under section 15 (fund-raising), 16 (use and possession), 17 (funding arrangements), 18 (money laundering) or 63 (terrorist finance: jurisdiction) of the Terrorism Act 2000⁽²⁾;
 - (c) an offence under the 2000 Act;
 - (d) an offence under article 7, 8 or 10 of the Terrorism (United Nations Measures) Order 2006⁽³⁾ or article 7, 8 or 10 of the Al-Qaida and Taliban (United Nations Measures) Order 2006⁽⁴⁾;
 - (e) an offence under these Regulations; or
 - (f) any other financial crimes.
- (5) The applicant's head office, registered office or place of residence, as the case may be, must be in the United Kingdom.
- (6) The applicant must comply with a requirement of the Money Laundering Regulations 2007 to be included in a register maintained under those Regulations where such a requirement applies to the applicant.
- (7) For the purposes of paragraph (3), where the applicant has yet to commence the provision of payment services, or has been providing payment services for less than 12 months, the monthly average may be based on the projected total amount of payment transactions over a 12 month period.
- (8) In paragraph (4) "financial crime" includes any offence involving fraud or dishonesty and, for this purpose, "offence" includes any act or omission which would be an offence if it had taken place in the United Kingdom.

Supplementary provisions

14. Regulations 7 to 11 apply to registration as a small payment institution as they apply to authorisation as a payment institution with the following modifications—

- (a) references to authorisation are to be treated as references to registration;
- (b) omit regulation 7(4);
- (c) in regulation 8 for "an authorised payment institution" substitute "small payment institution" and for "provided that" to the end substitute—
 "provided that the conditions set out in regulation 13(4) to (6) will continue to be met and that the monthly average over any period of 12 months of the total amount of payment transactions executed by the institution, including any of its agents in the United Kingdom, continues not to exceed 3 million euro ("the financial limit").";
- (d) in regulation 10 for paragraph (1)(e) substitute—
 "(e) the person no longer meets, or is unlikely to continue to meet, any of the conditions set out in regulation 13(4) to (6) or the financial limit referred to in regulation 8;" and
- (e) in regulation 11 for paragraph (1)(a) substitute—
 "(a) the person no longer meets, or is unlikely to continue to meet, any of the conditions set out in regulation 13(4) to (6) or the financial limit referred to in regulation 8;"

(1) 2002 c.29.
 (2) 2000 c.11.
 (3) S.I.2006/2657.
 (4) S.I.2006/2952.

Application for authorisation as a payment institution where the financial limit is exceeded

15. Where the financial limit referred to in regulation 8 (as applied by regulation 14(c)) is exceeded, the institution concerned must, within 30 days of becoming aware of the change in circumstances, apply for authorisation as a payment institution under regulation 5 if it intends to continue providing payment services in the United Kingdom.